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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,619

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Walid Ali

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BRIARCLIFF MANOR, NY 10510

EXAMINER

ALGIBHAH, HAMZA N

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,619	Applicant(s) ALI, WALID	
	Examiner HAMZA ALGIBHAH	Art Unit 2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/03/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **Claims 1-20** are pending.
2. **Claims 1-20** are rejected.

Specification

3. The disclosure is objected because it is missing the summary of the invention section.

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each

element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02 /

- 4.** The disclosure is objected because the drawings do not contain any text description to define the items and steps.

Appropriate correction is required.

Claim Objections

- 5. Claims 1-20** are objected to because the claims contain numbers referring to the drawings items.

Appropriate correction is required.

- 6. Claim 8 and 14** is objected to because of the following informalities:

Claim 8 depends on itself. For the purpose of examining, Examiner assume that claim 8 depends on claim 1 for purpose of this action;

Claim 14 depends on itself. For the purpose of examining, Examiner assume that claim 14 depends on claim 13 for purpose of this action;
Appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is a system claim however does not recite any hardware, processor in the body of the claim. Thus all the limitation of the claim can be pure software per se. Thus it is non-statutory.

Claims 2-12 depends on claim 1 and therefore rejected under the same reason set forth for claim 1 above.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-4, 13-17 and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by VAN ZON ET AL, "Automated Video Chain Optimization", IEEE, Vol 47, August 2001, pp 593-603.

As per claim 1, Van discloses: a decision support system for a signal processing system comprising:

- ***a video processing system for receiving and processing a video stream and providing a video output*** (Van, Introduction);
- ***a video quality evaluation module that receives the video output from the video processing system and evaluates the quality according to predetermined criteria*** (Van, Introduction col 2, col 3, fig 1, col 4) where the predetermined criteria can be the contrast enhancement, sharpness enhancement, noise deduction, etc.;
- ***a video optimizer adapted for receiving the evaluated quality of the video output from evaluation module and level settings of parameters and for setting controls of the levels settings of parameters of video processing system, said video optimizer including a Multi Objective Genetic Algorithm (MOGA) engine, wherein said MOGA uses genetic algorithms to optimize the settings of controls for video processing system to optimize quality at a predetermined level*** (Van, col 12 (Genetic Algorithm For AVCO), col 13); Van teaches a video optimizer using the MOGA algorithm to optimize the settings of controls for video processing system to optimize quality at a predetermined level;

As per claim 2, claim 1 is incorporated and Van further discloses that said optimizer includes a statistical analyzer that associates at least one item with setting controls of the level settings of parameters of video processing system to receive a certain image quality evaluated by quality evaluation module (Van, col 6, col 7 second paragraph);

As per claim 3, claim 2 is incorporated and Van further discloses that at least one item includes manufacturing costs (Van, col 4, last paragraph of section "Defining Video Chain Optimization", col 6 second paragraph);

As per claim 4, claim 3 is incorporated and Van further discloses that the manufacturing costs include time to market (Van, col 4, last paragraph of section "Defining Video Chain Optimization", col 6 second paragraph); Van teaches that cost is one of the factors that's can significantly reduce the size of a video chain's design space and since the time to market is a main factor on determining the cost hence the manufacturing costs include time to market;

Claims 13-17 and 20 are the method claims corresponding to the system claims 1-4, and rejected under the same reason set forth in connection of the system claims 1-4 above.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. ***Claims 5-6 and 19 are rejected*** under 35 U.S.C. 103(a) as being unpatentable over VAN ZON ET AL, ("Automated Video Chain Optimization", IEEE, Vol 47, August 2001, pp 593-603) and further in view of SHERIF ET AL, ("A Generic Bandwidth Allocation Scheme for Multimedia Substreams in Adaptive Networks Using Genetic Algorithms", IEEE, 1999, pp. 1243-1247).

As per claim 5, claim 2 is incorporated and Van does not specifically disclose that said at least one item analyzed by the statistical analyzer includes bandwidth availability. However Sherif discloses that said at least one item analyzed by the statistical analyzer includes bandwidth availability (Sherif, page 1 first paragraph, Introduction)

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Sherif bandwidth availability analyzer into Van method because this would have provided an efficient way to effectively utilizing the available bandwidth fairly among network tasks;

As per claim 6, claim 2 is incorporated and Van does not specifically disclose that said at least one item analyzed by the statistical analyzer includes network availability. However Sherif discloses ***that said at least one item analyzed by the statistical analyzer includes network availability*** (Sherif, page 1 first paragraph, Introduction)

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Sherif network availability analyzer into Van method because this would have provided an efficient way to effectively utilizing the available bandwidth fairly among network tasks;

Claim 19 is the method claim corresponding to the system claims 5-6, and rejected under the same reason set forth in connection of the system claims 5-6 above.

12. ***Claims 7-8, 10-12 and 18 are rejected*** under 35 U.S.C. 103(a) as being unpatentable over VAN ZON ET AL, ("Automated Video Chain Optimization", IEEE, Vol 47, August 2001, pp 593-603) and further in view of Ishikawa, (Patent No.: 6,084,911).

As per claim 7, claim 1 is incorporated and Van does not specifically disclose that the image quality evaluation module evaluates quality of multimedia according to video, audio and text, and the MOGA includes

prioritizing instructions so as to prioritize the quality of audio, video and text components of a video stream. However Sherif discloses ***evaluating multimedia according to video, audio and text and includes instructions so as to prioritize the quality of audio, video and text components of a video stream*** (Ishikawa, col 4 lines: 40-67);

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Ishikawa prioritizing the quality of audio, video and text components of a video stream into Van method because this would have provided an efficient way to effectively improve network communication quality;

As per claim 8, claim 1 is incorporated and Van does not specifically disclose a telephone with video capability and the quality of the audio portion has the highest priority. However Ishikawa discloses ***a telephone with video capability and the quality of the audio portion has the highest priority*** (Ishikawa, Fig 2, col 4 lines: 49-55);

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Ishikawa giving the audio the highest priority into Van method because this would have provided an efficient way to improve voice quality during telephone calls;

As per claim 10, claim 8 is incorporated and Van does not specifically disclose that the quality of audio is prioritized according to network congestion. However Ishikawa discloses that ***the quality of audio is prioritized according to network congestion*** (Ishikawa, col 5 lines: 35-50);

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Ishikawa prioritizing according to network congestion into Van method because this would have provided an efficient way to improve voice network communication quality;

As per claim 11, claim 8 is incorporated and Van does not specifically disclose that the quality of audio is prioritized according to bandwidth availability. However Ishikawa discloses that ***the quality of audio is prioritized according to bandwidth availability*** (Ishikawa, col 5 lines: 35-50);

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Ishikawa prioritizing according to bandwidth availability into Van method because this would have provided an efficient way to improve voice network communication quality;

As per claim 12, claim 8 is incorporated and Van does not specifically disclose that the quality of audio is prioritized according to power dissipation. However Ishikawa discloses that ***the quality of audio is prioritized according to power dissipation*** (Ishikawa, col 5 lines: 35-50);

Ishikawa teaches the process of determining the presence of voice data and based on that capturing and compressing the voice data. Since the absence of voice data can result on lower power needed for the system to do its tasks then the quality of audio is prioritized according to power dissipation;

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Ishikawa prioritizing according to power dissipation into Van method because this would have provided an efficient way to improve voice network communication quality;

Claims 18 is the method claim corresponding to the system claim 12, and rejected under the same reason set forth in connection of the system claim 12 above.

13. ***Claim 9 is rejected*** under 35 U.S.C. 103(a) as being unpatentable over VAN ZON ET AL, ("Automated Video Chain Optimization", IEEE, Vol 47, August 2001, pp 593-603) and further in view of Ishikawa, (Patent No.: 6,084,911).

As per claim 9, claim 8 is incorporated and Van and Ishikawa do not specifically disclose that the quality of the video portion has the highest priority. However examiner takes an official notices that one of ordinary skill in the art at the time of invention would be able to use the combination of Van and

Ishikawa to give the video portion the highest priority instead of the voice portion because this would have provided an efficient way to improve video quality during conference calls;

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMZA ALGIBHAH whose telephone number is (571)270-7212. The examiner can normally be reached on Monday-Thursday, 7:30AM-5:00PM, EST, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-67036703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HAMZA ALGIBHAH/

Examiner, Art Unit 2448

/FIRMIN BACKER/

Supervisory Patent Examiner, Art Unit 2448